

ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING CHAPTER 15 (SEWERS) OF THE SANTA ROSA CITY CODE

THE PEOPLE OF THE CITY OF SANTA ROSA DO ENACT AS FOLLOWS:

Section 1. City Code Section 15-16.030 of the Santa Rosa City Code is amended as follows:

"15-16.030 Connection generally – Demand fees.

(A) Connection may be made to the City’s sewer trunk line systems in locations approved by and subject to the regulations of the Board of Public Utilities and City Council, upon payment to the City of the demand fees specified below and the other specifications hereinafter indicated. The Board of Public Utilities shall have the authority to define and determine what constitutes a sewer connection. Additional requirements or conditions for connection to the various sewer lines within the City’s sewer service systems are specified below.

(B) The sewer demand fees shall be as follows:

(1) Residential:

Type of Connection Demand Fee

Very Large Lot SFD (over 1 acre)	\$7,416
Large/Medium Lot SFD (over 6000 sf to 1 acre)	\$6,375
Small Lot SFD (6000 sf and under)	\$5,594
Condominiums, Apartments, Mobile Homes	\$6,245
Second or Senior Units	\$4,684

(2) The sewer demand fee for nonresidential and industrial customers shall be based on:

(a) A nonresidential wastewater demand fee rate of \$1,301 per thousand gallons per month (TGM); and

(b) The estimated monthly wastewater flow quantity for the type of use based upon the

factors in Table 15-1: Nonresidential or Industrial Demand Factors - Typical Parameters, with the following requirements: the minimum flow quantity that must be purchased for nonresidential uses is 1,000 TGM, and purchases must be made in increments of 1,000 TGM. The Director of Utilities/City Engineer may periodically review the water/wastewater usage of nonresidential and industrial customers. If the actual usage (flow quantity) exceeds the capacity purchased, the payment of additional demand fees at the rates currently in effect will be required.

Effective January 1, 2008 and continuing thereafter, demand fees shall be adjusted as follows: The dollar amounts shown in §15-16.030 (B) shall be increased (or decreased) on January 1 of each calendar year by a percentage equal to the percentage change in the “Engineering News Record 20 Cities Construction Cost Index” for the 12-month period ending November 30 of the prior calendar year.

(3) The fee per thousand gallons per month shall be adjusted annually on January 1 of each year based on the Engineering New Report’s 20-City Construction Cost Index, excepting that the fee per thousand gallons per month will be reviewed at least every 5 years and be increased or decreased to take actual changes in the City’s General Plan or Department Master Plans into consideration.

Category	**Type of Uses	Average Monthly Flow (gallons per month per 1000 square feet)	Average Daily Flow (gallons per day per 1000 square feet)
1	Warehouse	260	9
2	Retail; Schools; Office; Church; Playhouses; Gym without shower; Self Serve Frozen Yogurt	960	32
3	Auto Repair	1,390	46
4	Dental Office	1,750	58
5	Auto Sales	2,360	78
6	Halls	2,440	81
7	Movie Theaters	2,590	86
8	Surgery Centers	2,600	87

9	Convenience Store; Grocery without food preparation; Gas Station (car wash calculated separately)	3,020	100
10	Barber; Beauty Salon	4,500	150
11	Bakery	4,690	156
12	Deli; Grocery with food preparation	5,180	173
13	Veterinary Clinic	5,440	181
14	Motels; Hotels (restaurant and conference center areas calculated separately)	6,900	230
15	Gym with showers	8,100	270
16	Hospital	8,596	286
17	Bar	11,610	387
18	Coffee shop	12,110	403
19	Restaurant (chain restaurants will be based on comparable uses)	12,640	421
	**Types of Uses	Factors other than square footage	Notes
20	Skill Nursing; Assisted Living; Residential Care	3,177 gallons per month, per bed	
21	Commercial Laundry	70% of water use	Based on comparable operations
22	Car wash	40% of water use	Based on comparable operations

** The usage for categories not shown in this table, such as coin laundry facilities, wineries, breweries and distilleries, will be determined based on comparable uses and data submitted by applicant.

(C) Except as provided below, the demand fees to be paid for a sewer connection shall be as set forth in this title and shall be calculated and paid at or before the time a building permit is issued by the City, or no later than the time of final inspection per the terms of a written agreement with the City, or per the terms of a fee deferral agreement made pursuant to Chapter 21-01 of this Code.

(D) Demand fees may not be prepaid (credited as paid in full) for more than two years in advance of the actual commencement of permanent sewer service. The two-year period shall begin to run on (and shall include) the day on which payment of the demand fees is received and shall expire at midnight on that day of the second calendar year which immediately precedes the second anniversary date of the payment. If the two-year period expires without permanent sewer service having commenced, all fees received shall be considered as a credit against the actual fees that will have to be paid to acquire sewer service. Alternatively, an expired prepayment of fees will be refunded upon the written request of the person making the payment.

For applications made for which payments were received prior to July 1, 1981, the two-year period shall not apply and fees paid will be good until connected, provided no changes in size or other recalculations are required. If changes in size or other recalculations are required, the demand fee due shall be recalculated based upon the demand fees currently in effect and the fee due shall be the difference between the prepaid fee and the current demand fee in effect for the size connection required; this provision shall remain in effect until the Council establishes a specific date terminating said grandfather provision. Should questions arise under this title the City's Director of Utilities shall make the determination as to whether permanent sewer service has or has not commenced to a structure as of any given date.

Notwithstanding the two-year period under this section, once a building permit is issued within the two year expiration period for a project for which: (1) the appropriate sewer demand fees have been paid, and (2) building construction above the foundation has commenced on the project; no additional sewer demand fees will be due for the project irrespective of the date of completion of the project and the date that permanent sewer service is established.

(E) Demand fees shall only be collected for specific connections to the sewer system and shall be valid only when the location and type of connection are described on an engineering drawing or other documentation approved by the City Engineer. Connection approvals are not transferable to any other property. Connection approvals cannot be transferred by sale, assignment or hypothecation to a new owner of the property to which they relate without the written consent of the City.

(F) Persons or entities paying demand fees for a sewer connection during the time period beginning on August 7, 2014, and ending on November 8, 2014, may apply to the Director of Utilities for an administrative adjustment of the fees paid to be recalculated in accordance with the fees established by this adopted ordinance. Any such application must be made in writing and received by the Director of Utilities no later than February 7, 2015."

Section 2. City Code Section 15-16.050 of the Santa Rosa City Code is amended as follows:

"15-16.050 Demand fees – Computation - Time of payment.

All fees set forth in Section 15-16.030 shall be computed by the Director of Utilities and shall be paid prior to the actual issuance of the building permit for the structure, work or improvement proposed to be connected to the sewer system, or no later than the time of final inspection per the terms of a written agreement with the City, or per the terms of a fee deferral agreement made pursuant to Chapter 21-01 of this Code. For the purposes of this section, a mobile home is a structure."

Section 3. Environmental Determination. The Council finds that the adoption and implementation of this ordinance are exempt from the provisions of the California Environmental Quality Act in that the Council finds there is no possibility that the implementation of this ordinance may have significant effects on the environment.

Section 4. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 5. Effective Date. This ordinance shall take effect on the 61st day following adoption by the City Council.

IN COUNCIL DULY PASSED AND ADOPTED this ____ day of _____, 2014

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____
City Clerk

APPROVED: _____
Mayor

APPROVED AS TO FORM:

City Attorney